



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,368	09/19/2000	Lon S. Safko	1173.001	5060

7590
John L Rogitz Esq
Rogitz & Associates
750 B Street Suite 3120
San Diego, CA 92101

12/19/2005

EXAMINER

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/665,368

Applicant(s)

SAFKO, LON S.

Examiner

Jungwon Chang

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL ACTION

1. This Action is in response to amendment filed on 9/8/2005. Claims 1-19 and 21 have been canceled. Claim 20 is presented for examination.

2. 37 CFR 1.132 declaration filed 9/8/2005 have been fully considered. However, upon further consideration, a new ground(s) of rejection is made in view of Glassner (US 6,311,142), in view of "Paper PhotoCube Software--NEW Version: 1.1", January 1999, hereinafter Paper PhotoCube, and Phil Heiple, "Download-a-Dinosaur", July 10, 1997, pages 1-4.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glassner (US 6,311,142), in view of "Paper PhotoCube Software--NEW Version: 1.1", January 1999, hereinafter Paper PhotoCube, and Phil Heiple, "Download-a-Dinosaur", July 10, 1997, pages 1-4.

5. As to claim 20, Glassner discloses the invention substantially as claimed,

including a method for providing paper models (798, fig. 19; paper-folding; col. 1, lines 5-24; pop-up shapes, e.g., mail-boxes, faces, or the like; col. 3, lines 17-30; origami; col. 5, lines 35-43), comprising:

generating a model data (data corresponding to features of the pop-up card; col. 15, lines 16-19) at least in part using photography of an object (col. 10, lines 15-19);

storing the model data on a data storage device (822, 824, 825, 827, 828, 829, 830, 831, 850, fig. 20) (pop-up card is designed so that there are various shapes which are stored; col. 5, lines 59-64; storing input and design sequences for scripted playback; col. 8, lines 49-50), the model data being printable onto a paper substrate ("print" option from the "File Menu" allows the user to print an existing file; fig. 19; printout indicating how to cut out and attach various card pieces; col. 10, lines 33-44; col. 2, lines 7-12; col. 16, lines 24-27);

providing instructions (col. 2, lines 9-12) regarding manipulating the paper substrate into a 3D object (3D; col. 3, lines 9-30; col. 8, lines 37-67; indicating how to cut out and attach various card pieces; col. 10, lines 33-44; col. 14, line 54 – col. 15, line 5; col. 15, lines 9-27); and

the data being useful for causing a computer printer to print a substrate having model indicia thereon (printout indicating how to cut out and attach various card pieces; col. 10, lines 33-44; col. 3, lines 9-30; col. 8, lines 37-67; indicating how to cut out and attach various card pieces; col. 14, line 54 – col. 15, line 5; col. 15, lines 9-27), wherein the model indicia is useful for configuring the substrate into a 3D paper model of the object (col. 3, lines 17-30; stereo is inherently comprising 3-D models; col. 10, lines 15-

19).

6. Glassner discloses making the model data and instructions available to a user (fig. 19; col. 2, lines 65-67; col. 3, lines 1-8 and 26-30; col. 8, lines 37-67; col. 14, line 54 – col. 15, line 5) and allowing a user (820, fig. 20) to access a computer site (849, fig. 20) on a wide area computer network (col. 12, lines 26-34). However, Glassner does not explicitly disclose the computer site provides the model file and instructions available to a user, at least one model page, permitting the user to access the model page, and permitting user to print at least one data from the model page. Heiple discloses computer site provides the model file and instructions available to a user (you are invited to visit my new site; page 1; you can download from this site; pages 1-2; designs for easy-to-make paper dinosaurs that you can print out on your printer, all that is needed is scissors and glue; page 2; page 4), at least one model page (paper dinosaurs that you can download/copy from this site; pages 1-2; to download a dinosaur, use whatever way works best for your particular browser, computer; page 2), permitting the user to access the model page (clicking your cursor on top of the image and scroll to the “save this image” command, then transfer it to a graphic program like pagemaker; page 2), and permitting the user to print at least one data file from the model page (you either click on the print icon or click your cursor on top of the image and scroll to the “save this image” command, then transfer it to a graphic program like pagemaker, paste and then print; page 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Glassner and Heiple because Heiple’s computer site providing model page would allow

Art Unit: 2154

the computer site to earn revenues by charging a fee on a per model page downloaded basis.

Glassner discloses the model data (a file inherently includes a collection of data; data corresponding to features of the pop-up card; col. 15, lines 16-19; graphical user interface, 790, fig. 19 that shows menu systems 796 for selecting and configuring a pop-up card 798; col. 8, lines 37-42). However, Glassner does not specifically use a term "model file". Paper PhotoCube discloses a model file (VRML Consortium, VRML is the file format standard for 3-D multimedia and shared virtual worlds on the Internet; page 4, section "TriVista Software Review"). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Glassner and Paper PhotoCube because Paper PhotoCube's file would allow the user to easily and quickly select the desired file that the user wants to manipulate.

Conclusion

7. Applicant's arguments with respect to claim 20 have been considered but are moot in view of the new ground(s) of rejection.

(1) Applicant argues that Heiple does not use photography to generate its models, and that paper Photo Cube produces just that, photo cubes, which cannot be said to "3D models of objects". Examiner respectfully disagrees. Paper PhotoCube clearly discloses photography to generate its models (page 1) and that is 3D models of objects

(the second figure on page 1 shows 3D model; page 4, "TriVista Software Review" and "Image Textures in VRML").

(2) Glassner, which is not directed to models per se but rather to pop-up cards, mentions the word "photography" only once, in an enigmatic two-sentence paragraph at col. 10, lines 15-19... Thus, the only type of "stereo" is the kind that otherwise can be used for viewing multiple photos in multiple plane... There is no suggestion that once the card is erected it is a 3D model of a photographed object as now recited in claim 20. Examiner respectfully disagrees. Glassner discloses a 3D model (col. 3, lines 17-30) and 3D model of a photographed object (stereo is inherently comprising 3-D models; col. 10, lines 15-19).

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

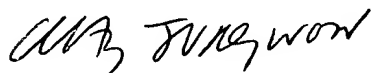
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-3960. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Jungwon Chang'.

Jungwon Chang
December 9, 2005